IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7326 of 2005

ABDUL SHAKUR & ANR.
V/S
SULTAN & ORS.

Mr. OP MEHTA, for the appellant / petitioner

Mr. CHAITANYA GAHLOTJ, for the respondent

Date of Order : 12.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

It is contended by the learned counsel for the petitioner that the landlord could withdraw the previously instituted suit pending as on the date of commencement of new Rent Control Act within the period specified in Section 32, and could also institute the fresh proceedings within the time prescribed therein, while in the present case the application for withdrawal has been filed much after the said time, and the same has been allowed vide Annex-4, and consequently the landlord has instituted fresh petition for eviction, proceedings thereof is required to be stayed.

Learned counsel for the respondent, on the other hand, submits that the petition for eviction was filed way back in the year 2005, and the entire trial is not only over, the case is going on for final arguments.

In my view, in these circumstances, instead of granting any stay, I think it appropriate to dispose of the writ petition with granting liberty to the petitioner to raise this objection before the learned Rent Control Tribunal during course of his arguments, and if such objection is raised learned Tribunal shall decide it objectively and dispassionately in accordance with law.

The writ petition is accordingly disposed of.

(N P GUPTA),J.

/Sushil/